

Gorenstein, G.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SAPIRSTEIN-STONE-WEISS FOUNDATION  
and IRVING I. STONE FOUNDATION, :

Plaintiffs, : 1:13-CV-00415-VM (GWG)

VS. :

J. EZRA MERKIN and GABRIEL CAPITAL  
CORPORATION, :

Defendants.

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WHEREAS, Plaintiffs Sapirstein-Stone-Weiss Foundation and Irving I. Stone Foundation filed a complaint against Defendants J. Ezra Merkin and Gabriel Capital Corporation on January 17, 2013 and requested that undersigned counsel for Defendants accept service;

WHEREAS, Defendants agreed to accept service and the parties stipulated and agreed to a briefing schedule for Defendants' time to answer, move or otherwise respond to Plaintiffs' complaint on January 30, 2013; and

WHEREAS, in accordance with this Court's Individual Practices, Defendants' counsel sent a letter dated March 1, 2013 setting forth the grounds for Defendants' forthcoming motion to dismiss, and Plaintiffs' counsel responded by letter dated March 9, 2013 indicating that Plaintiffs would stand on their complaint; it is

STIPULATED AND AGREED by and between the parties, through their undersigned counsel, that the following schedule shall apply with respect to Defendants' time to answer, move or otherwise respond to Plaintiffs' complaint:

1. Defendants shall answer, move, or otherwise respond to the complaint on or by March 26, 2013;
2. Plaintiffs shall serve their papers in opposition to any motion to dismiss made by Defendants on or by April 30, 2013;
3. Defendants may serve a reply brief in further support of any motion to dismiss on or before May 17, 2013.

Except for any defenses with respect to service of process, Defendants do not waive and expressly preserve any defenses they may assert.

Dated: March 12, 2013

BRICKMAN & BAMBERGER

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*Attorneys for Defendants*

**SO ORDERED:**



U.S.D.J. *af*

<b>SO ORDERED.</b>	
3-29-13	
DATE	VICTOR MARRERO, U.S.D.J.